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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/612,067	07/07/2000	Joel Naumann	CISCO-2390	6900

28661 7590 09/06/2007

SIERRA PATENT GROUP, LTD.  
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EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED: 09/06/2007

Please find below and/or attached an Office communication concerning this application or proceeding.

9

<b>Communication Re: Appeal</b>	Application No.	Applicant(s)	
	09/612,067	NAUMANN, JOEL	
	Examiner	Art Unit	
	Tri H. Phan	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. ☐ The Notice of Appeal filed on \_\_\_\_\_ is not acceptable because:
  - (a) ☐ it was not timely filed.
  - (b) ☐ the statutory fee for filing the appeal was not submitted. See 37 CFR 41.20(b)(1).
  - (c) ☐ the appeal fee received on \_\_\_\_\_ was not timely filed.
  - (d) ☐ the submitted fee of \$\_\_\_\_\_ is insufficient. The appeal fee required by 37 CFR 41.20(b)(1) is \$\_\_\_\_\_.
  - (e) ☐ the appeal is not in compliance with 37 CFR 41.31(a)(1) in that no claim has been twice rejected.
  - (f) ☐ a Notice of Allowability, PTO-37, was mailed by the Office on \_\_\_\_\_.
  
2. ☐ The appeal brief filed on \_\_\_\_\_ is NOT acceptable for the reason(s) indicated below:
  - (a) ☐ the brief and/or brief fee is untimely. See 37 CFR 41.37(a).
  - (b) ☐ the statutory fee for filing the brief has not been submitted. See 37 CFR 41.20(b)(2).
  - (c) ☐ the submitted brief fee of \$\_\_\_\_\_ is insufficient. The brief fee required by 37 CFR 41.20(b)(2) is \$\_\_\_\_\_.
  
- The appeal in this application will be dismissed unless corrective action is taken to timely submit the brief and requisite fee. See 37 CFR 41.37(a)(1). Extensions of time may be obtained under 37 CFR 1.136(a). See 37 CFR 41.37(e).**
  
3. ☒ The appeal in this application is DISMISSED because:
  - (a) ☐ the statutory fee for filing the brief as required under 37 CFR 41.20(b)(2) was not timely submitted and the period for obtaining an extension of time to file the brief under 37 CFR 1.136(a) has expired.
  - (b) ☒ the brief was not timely filed and the period for obtaining an extension of time to file the brief under 37 CFR 1.136(a) has expired.
  - (c) ☐ a Request for Continued Examination (RCE) under 37 CFR 1.114 was filed on \_\_\_\_\_.
  - (d) ☒ other: See Continuation Sheet.
  
4. ☒ Because of the dismissal of the appeal, this application:
  - (a) ☒ is abandoned because there are no allowed claims.
  - (b) ☐ is before the examiner for final disposition because it contains allowed claims. Prosecution on the merits remains CLOSED.
  - (c) ☐ is before the examiner for consideration.

Continuation of 3. (d) Other: The amended appeal brief filed on 5/25/2007 is defective for failure to comply with the provisions of 37 CFR 41.37(c)(1)(v) and 37 CFR 41.37(c)(1)(vii), since the brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal and for each dependent claim argued separately under the provisions of paragraph 37 CFR 41.37(c)(1)(vii), with respect to each ground of rejection. Since the amended brief does not overcome the defective, and the required brief is not filed within the maximum time period set by statute under 37 CFR 1.136(a) or 37 CFR 1.136(b); therefore, the appeal in this application is dismissed.



CHI PHAM  
SUPERVISORY PATENT EXAMINER

9/4/07